

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

PRESENT: Supervisor Edward Fairbrother
Council Bob Adams
Lee Giammichele
Mike Saglibene
Attorney Thomas Reilly
Clerk Linda Cross
ABSENT: Council Andy Gillette

Supervisor Fairbrother opened the Town Board meeting at 7:00 p.m., and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE- None

MINUTES

Councilperson Saglibene made a motion, seconded by Councilperson Giammichele to approve the Town Board minutes of June 22, 2016, as presented. All in favor, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Giammichele to approve the Town Board minutes of July 13, 2016, as presented. All in favor, motion carried.

NEW BUSINESS

RESOLUTION NO.190-16

BUDGET AMENDMENT TRANSFER AND VOID CHECK APPROVED

Resolution by: Giammichele

Seconded by: Adams

WHEREAS a memorandum was received from the Bookkeeper, dated July 20, 2016 requesting authorization for a Budget amendment, transfer and voiding a check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Budget Transfer, amendment, and void check:

Budget Transfers-General Fund

Please authorize a budget transfer to offset overspent budget:

To	Assessment Board -PS-A.1356.0400	10.00
From	Assessment Board -CE-A.1356.0100	10.00

Recode Vouchers

Please authorize to recode vouchers #400-6723, 6816, 6994,7166 made payable to Toshiba Business Solutions for court copier charges of \$153.52 from Justice -CE A.1110.0400 to Central Print & Mailing - CE A.1670.0400

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO.190-16, BUDGET AMENDMENT TRANSFER AND VOID CHECK
APPROVED continued

Void check

Please authorize to void check # 15844 made payable to NYS Department of State License, dated 07/15/16, amount \$60.00 for Laura Sullivan Notary renewal and deleting voucher #4007206 due to processing to the wrong vendor. A new check will be reissued to Chemung County Clerk.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 191-16
ABSTRACT OF AUDITED VOUCHERS FOR JULY 27, 2016 APPROVED

Resolution by: Adams
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for July 27, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$266,971.52
HIGHWAY FUND	\$ 5,399.85
WATER DISTRICT #4	\$ 585.77
WATER DISTRICT #5	\$ 3,428.86
LIGHTING DISTRICT	\$ 508.41

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 192-16
APPLYING FOR A CFA GRANT FOR THE ENHANCEMENT OF PLAYGROUND AT
COMMUNITY PARK EXTENSION AS PHASE 2 APPROVED

Resolution by: Saglibene
Seconded by: Giammichele

WHEREAS Phase 2 is described in the draft Town of Big Flats Parks and Recreation Strategic Plan update for parks and recreation as attached, and

WHEREAS the fourth grade students at the Big Flats Elementary School were engaged in 2016 to research, design and plan the park project to expand the Phase 2 playground at Community Park Extension for use by children aged 2-5 years, and

WHEREAS the I86 Economic Development Innovation Corridor has endorsed this project for a Southern Tier Region Economic Development Council Consolidated Funding Application (CFA) because of the contribution the project will make in developing and sustaining a Vibrant Community, and

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 192-16, APPLYING FOR A CFA GRANT FOR THE ENHANCEMENT OF PLAYGROUND AT COMMUNITY PARK EXTENSION AS PHASE 2 APPROVED
continued

WHEREAS the project will be paid for through grants and in kind services from the Town of Big Flats DPW, and

WHEREAS this project falls within the guide lines of the improvements with the Community Park Extension and the most recent strategic plan update that guides them, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to seek funding through the New York State Consolidated Funding Application (CFA) process and other grant opportunities for the construction of Phase 2 of the Town of Big Flats Multigenerational Park at Community Park Extension.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 193-16
THE TOWN OF BIG FLATS ESTABLISH AN ELECTRONIC BANKING POLICY
AFFECTIVE IMMEDIATELY APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Town of Big Flats is utilizing electronic banking, and

WHEREAS the NY Comptroller and Insurance underwriters for our Cyber Insurance requires that the Town of Big Flats establish an Electronic Banking Policy, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II actions in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the following Electronic Banking Policy to take affect this date: July 27, 2016.

TOWN OF BIG FLATS ELECTRONIC BANKING POLICY

General Municipal Law Section 5-A authorizes the use of electronic or wire transfers. The Town Board, in order to provide oversight and security with regard to sound fiscal management of electronic banking activity, will authorize the use of electronic or wire transfers dependent upon the following procedures:

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 193-16, THE TOWN OF BIG FLATS ESTABLISH AN ELECTRONIC BANKING POLICY AFFECTIVE IMMEDIATELY APPROVED continued

A written wire transfer security agreement, between the bank authorized to maintain the Town's account, shall be signed and on file prior to the initiation of any electronic transaction with the bank. The bank shall have written instructions on file from the Town that wire transfers out of the United States are forbidden. Additionally, the bank shall have in place a security procedure such as authorized pass codes, authorized fax or other such controls as to insure the validity of the transaction. The security procedure shall be in compliance with Uniform Commercial Code Section 4-A-201, which defines "security procedure" as a procedure established by agreement between the customer (local government) and the receiving bank for the purpose of verifying that a payment order is that of the local government, and for detecting errors in the transmission or the content of the payment order.

Whenever an officer of a local government is authorized or directed pursuant to law to disburse or transfer on behalf of the local government funds in the custody of the officer, that officer shall be authorized to disburse or transfer such funds by means of electronic or wire transfer. Such disbursement shall be otherwise subject to applicable laws, provided that:

(a) the governing board of the local government has entered into a written agreement with the bank or trust company in which such funds have been deposited, prescribing the manner in which electronic or wire transfer of such funds shall be accomplished, identifying by number and name those accounts from which electronic or wire transfers may be made, identifying which officer or officers are authorized to order the electronic or wire transfer of funds from those accounts, and implementing a security procedure as defined in section 4-A-201 of the uniform commercial code; and (b) the bank or trust company processing the transfer shall provide to the officer ordering the electronic or wire transfer of funds written confirmation of each such transaction no later than the business day following the day on which the funds are transmitted.

Online payment transactions are authorized for the following purposes: investment of funds, to make debt service payments and payroll and fringe benefit payments to outside banks (within the U.S.) and transfers within district bank accounts (within any board-approved bank accounts). The Board shall also authorize receipt of revenue, via on-line transactions, for state and federal grants, tax payments and receipts and other such revenue sources as applicable for the efficient operation of the Town of Big Flats.

The Town bookkeeper is authorized to initiate and execute electronic transactions after receiving the approval of the Town Supervisor. Town transactions may not be done on any computer that is not owned by the Town and provided with security protections. The bank shall verify, either by telephone or in paper/e-mail format, the outgoing wire transfer by contacting the Town Supervisor. The Town Supervisor shall provide signed proof of verification which shall be filed with the Town Bookkeeper's back-up paperwork.

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 193-16, THE TOWN OF BIG FLATS ESTABLISH AN ELECTRONIC BANKING POLICY AFFECTIVE IMMEDIATELY APPROVED continued

The Town Bookkeeper shall record all electronic banking transactions in conformance with NYS accounting regulations and GAAP (Generally Accepted Accounting Practices).

A daily report of all internal transfers shall be prepared by the Town Bookkeeper and reviewed by the Town Supervisor who reviews the bank statements. Documentation of all electronic wire transfers shall be maintained by the Town Bookkeeper and reviewed by the Town Supervisor who reviews the bank statements. Said report and documentation shall be attached to the Bookkeeper's Report.

The Town Supervisor, with the assistance of the Town Bookkeeper, shall be responsible for establishing and monitoring electronic banking transactions for school district banking and investment accounts. The daily transaction limits for wire transfers, ACH, and other on-line transactions shall be in accordance with the following guidelines:

Authorization Limits

Under no circumstances shall one individual have the system rights to create and authorize an electronic transfer of funds. One or more individuals shall be assigned creation rights for electronic fund transfers, as appropriate. The Town Supervisor shall be assigned the rights to authorize a wire transfer, ACH or other electronic transfer of funds.

Secondary authorization shall be required for electronic fund transfers in excess of \$1,000,000.

Domestic Transactions Only

Only domestic wire, ACH and other electronic transactions shall be permitted. NO international transactions may be executed.

Safeguards

Bank accounts will be established with Electronic Payment Authorization (EPA) service; to prevent withdrawal of funds which have not received prior authorization.

The bank shall verify, either by telephone or in paper/e-mail format, the outgoing wire transfer by contacting Town Supervisor. The Town Supervisor providing the verification shall provide signed proof of verification which shall be filed with the Town Bookkeeper's back-up paperwork.

Appropriate measures shall be taken to ensure that employees with electronic access to bank accounts who leave Town employment are properly removed from the accounts, effective with termination of employment.

All electronic fund transfers shall be reviewed by the Town Bookkeeper who reviews the bank statements.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother

NAYS: None

ABSENT: Gillette

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 194-16
AMENDMENT FOR THE BIG FLATS AMERICAN LEGION, FOR GAMES OF CHANCE
LICENSE REMOVING KIM GAYLORD, AND HENRY TERRY APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Big Flats American Legion submitted a GC-6 application amendment, and

WHEREAS removal of Kim Gaylord “Auxiliary/Affiliate Organizations Assisting, and Henry E. Terry from the Officers and Directors(VP) list, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Big Flats American Legion’s GC-6 application amendment, by removing Kim Gaylord from the Auxiliary / Affiliate Organizations Assisting at games, and removing Henry E Terry, Officers and Directors, on their Games of Chance License.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 195-16
AGREEMENT WITH CHEMUNG COUNTY HEALTH DEPARTMENT APPROVED

Resolution by: Saglibene
Seconded by: Giammichele

WHEREAS the Town of Big Flats Community Center has been designated as an evacuation center during public health emergency activities, and

WHEREAS to meet the responsibilities to the residents, pupils or clients as a cooling center, point of dispensing and other needed supports, and

WHEREAS this agreement is a memorandum of understanding for the use of the Towns facilities during a public health emergency, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (18) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with the Chemung County Health Department for the use of the Towns facilities during a public health emergency. The memorandum shall continue in full force and effect until

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 195-16, AGREEMENT WITH CHEMUNG COUNTY HEALTH
DEPARTMENT APPROVED continued

such time as terminated by either party in writing and shall not be terminated by the Town of Big
Flats if a public emergency is ongoing.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 196-16
COMMUNICATION LOG FOR JULY 27, 2016

Resolution by: Giammichele
Seconded by: Adams

BE IT RESOLVED that the following communications were received, accepted and filed by the
Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for
information and/or action:

July 20, 2016

Charter Communications– RE: July 20, 2016 Programming Notice Changes *Referred to: Town
Board, and filed with Town Clerk.*

July 21, 2016

Chemung County Sol & Water Conservation District - RE: Assistance with Trucking Material to
Repair Horseheads Dike. *Referred to: Town Board, Department of Public Works and filed with
Town Clerk.*

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 197-16
RESIGNATION OF TIMOTHY C. GILBERT DIRECTOR OF CODE AND PLANNING
APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Town Supervisor has received a letter of resignation from Timothy C. Gilbert
as Director of Code and Planning effective July 29th, 2016, and

WHEREAS Timothy C. Gilbert has served the for several years, helping to direct the Code and
Planning office and in the course thereof receiving the utmost respect from the builders and
developers in the Town of Big Flats, and

WHEREAS with he has helped to make Big Flats a great place to work and live, and

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 197-16, RESIGNATION OF TIMOTHY C. GILBERT DIRECTOR
OF CODE AND PLANNING APPROVED continued

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

BE IT THEREFORE RESOLVED the Town Board acknowledges the resignation of Timothy C. Gilbert to be effective as of July 29, 2016 and wishes him the best in his new job and thanks him for all that he did for Big Flats.

CARRIED: AYES:

NAYS:

RESOLUTION NO.198-16

WAGNER TIMBER HARVEST PERMIT, TAX #46.00-03-011, PROPERTY OWNED BY
SOUTHERN TIER TIMBER LOCATED AT 8084 STATE ROUTE 21 ARKPORT, NY 14807
APPROVED

Resolution by: Giammichele

Seconded by: Adams

WHEREAS a Timber Harvesting Application has been received from Wagner Hardwoods, LLC address P.O. Box 68 Cayuta, NY 14824 to harvest 12 acres to include a selective cut of hard and soft timbers with diameters no less than 14”.

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin between August 1, 2016 to September 2, 2016;
2. All roads will be graded and water bars installed at completion
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete; now

BE IT THERE FOR RESOLVED, the application for a timber harvesting permit submitted by Wagner Hardwoods, LLC is approved as follows:

1. The logging operation, as proposed, will involve trucks using Eachers Hollow Road to Hibbard Rd to CR 17 to CR63 to I86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO.198-16, WAGNER TIMBER HARVEST PERMIT, TAX #46.00-03-011, PROPERTY OWNED BY SOUTHERN TIER TIMBER LOCATED AT 8084 STATE ROUTE 21 ARKPORT, NY 14807 APPROVED continued

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$1500 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
5. An approved Driveway/Curb-Cut and/or Road Permit must be obtained from the Town of Big Flats Department of Public Works **prior** to any transferring of heavy equipment or harvest lumber/materials.

Prior to any Logging Operations

6. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
7. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

1. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
2. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, or the Chemung County Soil & Water Conservation Service Representatives at
3. any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 199-16

ENTITLING TIMOTHY GILBERT TO BE COMPENSATED FOR HIS SICK TIME
APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Town of Big Flats handbook adopted 4/22/2015 requires the Town Board by resolution to compensate for unused sick time, and

WHEREAS Timothy Gilbert has served the Town in a upstanding manner as an employee for over eight years, and

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

RESOLUTION NO. 199-16, ENTITLING TIMOTHY GILBERT TO BE COMPENSATED FOR HIS SICK TIME APPROVED continued

WHEREAS the Town Supervisor is requesting such action be taken by the Town Board, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

THEREFORE, BE IT RESOLVED that the Town Board authorizes the payment to Timothy Gilbert for \$4,698.50 for 163 hours of unused sick time upon his resignation settlement on July 29th, 2016 as per the Town Handbook in accordance with rule 700-5 of the handbook.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

RESOLUTION NO. 200-16
THOMAS WHISPEL STORMWATER OFFICER AND FLOODPLAIN ADMINISTRATOR
FOR THE YEAR OF 2016 APPOINTMENT

Resolution by: Giammichele
Seconded by: Adams

WHEREAS Timothy Gilbert has resigned as the Director of Planning and Code including the positions of Stormwater Officer and Floodplain Administrator for the Town of Big Flats for the year of 2016 as of July 29th, 2016, and

WHEREAS the Town of Big Flats must maintain the position of Stormwater Office and Floodplain Administrator for the Code and Planning Office in the Town of Big Flats, and

WHEREAS Thomas Whispel has completed the training necessary for these position and is a certified code officer for the Town of Big Flats, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

THEREFORE, BE IT RESOLVED that the Big Flats Town Board appoints Thomas Whispel as the towns Stormwater Officer and Floodplain Administrator for the year of 2016.

CARRIED: AYES: Giammichele, Adams, Saglibene, Fairbrother
NAYS: None ABSENT: Gillette

Supervisor Fairbrother reports on General Item:

- I86 update – Finalizing
- 1st Annual Community Picnic August 6th at 2:00PM Citizen of the year gets awarded
- Planning department and code

MINUTES OF THE TOWN BOARD MEETING OF JULY 27, 2016

- Computel Consultants Mike Canton
- Miracle Lane – will be grounded up late next week.
- Sales Tax – Down 2.11 %, 2017 project to stay flat
- Deferred Comp Fund, Vision, Dental RFP 5
- Big Flats Assessing will be located at the Town of Horseheads as of October 1st
- Emergency Preparedness Committee -
- GST drainage projects
- Land Trust on River projects
- Little League contract- Have not heard from
- Parks going forward – Lee Giammichele and Andy Gillette
- Youth for 2017 programs –7/28/16 Honoring Ann Castalo whom started the Youth Program
- Water pump station update will be completed the end of August
- Update on accounting program
- Parking at Tags, September, 3rd, and October 23rd
- Solar
- Meeting with departments and changes
- PA system at Community Center – hooking up new PA system next week.

Supervisor Fairbrother, thanked Chris Austin Deputy Commissioner of Public Works, with the help of Golden Glow regarding trees down on Steege Hill Road.

Supervisor Fairbrother made a motion, seconded by Councilperson Giammichele to enter into an executive Session at 7:32 p.m. to discuss a personnel issue dealing with a particular position, also for legal advice. All in favor except Councilperson Gillette who was absent, motion carried.

Supervisor Fairbrother reconvened the Town Board Meeting at 7:42 p.m.

Councilperson Adams made a motion, seconded by Councilperson Saglibene to adjourn the Town Board meeting at 7:43 p.m. All in favor except Councilperson Gillette who was absent, motion carried.

Date approved: _____ Linda Cross
Town Clerk